

# Order

**Michigan Supreme Court  
Lansing, Michigan**

November 4, 2009

Marilyn Kelly,  
Chief Justice

134640-1 & (70)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

VICKI L. ZUNICH, Individually, as Next  
Friend for CHARLES ZUNICH, a Minor, as  
Next Friend for MATTHEW ZUNICH, a  
Minor, and as Personal Representative of the  
Estate of STEVEN J. ZUNICH, Deceased,  
Plaintiff-Appellant,

v

SC: 134640  
COA: 265027  
Midland CC: 03-005843-NH

FAMILY MEDICINE ASSOCIATES OF  
MIDLAND, P.C., JERRY L. FERRELL,  
M.D., and ROBERTA L. CORBAT,  
Defendants-Appellees.

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VICKI L. ZUNICH, Individually, as Next  
Friend for CHARLES ZUNICH, a Minor, as  
Next Friend for MATTHEW ZUNICH, a  
Minor, and as Personal Representative of the  
Estate of STEVEN J. ZUNICH, Deceased,  
Plaintiff-Appellant,

v

SC: 134641  
COA: 265028  
Midland CC: 02-005382-NH

MIDMICHIGAN MEDICAL CENTER-  
MIDLAND, JEFFREY S. NEWMAN, M.D.,  
FAMILY MEDICINE ASSOCIATES OF  
MIDLAND, P.C., a/k/a FAMILY PRACTICE  
ASSOCIATES OF MIDLAND, P.C.,  
KENNETH M. MACKINNON, M.D.,  
JAMES H. FRYE, M.D., MIDMICHIGAN  
HEALTH, and FAITH D. FUENTES, M.D.,  
Defendants-Appellees.

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On order of the Court, the motion for miscellaneous relief is GRANTED. The application for leave to appeal the May 15, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and the orders of the Midland Circuit Court granting the defendants' motions for summary disposition, and we REMAND this case to the Midland Circuit Court for reconsideration in light of *Bush v Shabahang*, 484 Mich 156 (2009), and *Potter v McLeary*, 484 Mich 397 (2009).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 4, 2009

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk